

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RILEY GAINES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
)	Case No. 1:24-cv-01109-MHC
)	
v.)	
)	
NATIONAL COLLEGIATE ATHLETIC)	
ASSOCIATION, <i>et al.</i> ,)	
)	
Defendants.)	

UNOPPOSED MOTION TO EXTEND TIME TO
RESPOND TO PLAINTIFFS' CLASS ACTION COMPLAINT

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Defendant National Collegiate Athletic Association (“NCAA”) respectfully requests that this Court enter an order extending the deadline for the NCAA to answer or otherwise respond to Plaintiffs’ Class Action Complaint (the “Complaint”) by an additional thirty (30) days, through and including May 6, 2024. Counsel for the NCAA has conferred with counsel for Plaintiffs regarding this requested extension, and Plaintiffs have authorized the NCAA to indicate that they do not oppose the requested extension.

Plaintiffs filed the Complaint on March 14, 2024. (Dkt. 1). The NCAA was served with a copy of the summons and complaint on March 15, 2024. (Dkt. 9).

Therefore, the NCAA's deadline to answer or otherwise respond to the Complaint currently is April 5, 2024. *See* Fed. R. Civ. P. 12 (a)(1)(A)(i). The relief requested by this Motion would extend this deadline to and including May 6, 2024.

Federal Rule of Civil Procedure 6(b)(1)(A) allows a court to extend deadlines, including the time within which to respond to a Complaint, upon a showing of "good cause." The NCAA respectfully submits that good cause exists for granting the NCAA the requested 30-day extension to answer or otherwise respond to the Complaint. The NCAA just retained the undersigned counsel this week to handle this matter, and outside counsel for the NCAA is working diligently to review, analyze, and investigate the allegations asserted in the Complaint. *See Miles v. Samsara Networks, Inc.*, No. 1:23-CV-1040-SDG-CCB, 2023 U.S. Dist. LEXIS 126381, at *3 (N.D. Ga. July 18, 2023) (finding good cause existed to extend the answer deadline where defendant recently retained counsel and counsel needed additional time to consider the complaint); *Hughes v. Fulton Cty.*, No. 1:16-CV-01912-CAP-JFK, 2016 U.S. Dist. LEXIS 206060, at *3 (N.D. Ga. Sep. 21, 2016) (granting the consent motion for an extension of time to respond to the amended complaint); *Parnell v. CashCall, Inc.*, No. 4:14-cv-00024-HLM, 2016 U.S. Dist. LEXIS 186832, at *1 (N.D. Ga. Mar. 28, 2016) (granting the consent motion for an extension of time to respond to the second amended complaint).

Plaintiffs have filed a lengthy Complaint that raises complex factual and legal issues. The Complaint totals 156 pages and consists of 581 paragraphs of factual allegations. *See generally* (Dkt. 1). Given the length and complexity of the Complaint, the NCAA seeks an extension to allow it sufficient time to more fully investigate the allegations raised in the Complaint, conduct necessary research into the legal issues presented, and prepare its responsive pleading.

Pursuant to Judge Mark H. Cohen's Standing Order, counsel for the NCAA has conferred with counsel for Plaintiffs, and Plaintiffs do not oppose the requested extension. *See* Standing Order Regarding Civil Litigation § 2. This is the first extension requested by the NCAA to file a responsive pleading to the Complaint, and this Motion is not made for any improper purpose or for delay. Moreover, the requested extension of time will not have any effect on any other deadlines in this case because the Court has not entered a scheduling order and the case was just recently filed.

For the reasons set forth herein, good cause exists to grant the NCAA's Unopposed Motion for Extension of Time. The NCAA, therefore, respectfully requests that the Court grant the NCAA's motion and extend the deadline for it to answer or otherwise respond to the Complaint by 30 days, to and including May 6, 2024. A proposed order is attached hereto as Exhibit A for the Court's convenience.

Respectfully submitted this 4th day of April, 2024.

ALSTON & BIRD LLP

/s/ Christopher C. Marquardt

Christopher C. Marquardt

Georgia Bar No. 471150

chris.marquardt@alston.com

Cari K. Dawson

Georgia Bar No. 213490

cari.dawson@alston.com

John E. Stephenson, Jr.

Georgia Bar No. 679825

john.stephenson@alston.com

One Atlantic Center

1201 West Peachtree Street

Atlanta, GA 30309

Phone: (404) 881-7000

Fax: (404) 881-7777

*Counsel for Defendant National Collegiate
Athletic Association*

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, I hereby certify that this brief has been prepared in Times New Roman, 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1C.

/s/ Christopher C. Marquardt
Christopher C. Marquardt

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

This 4th day of April, 2024.

/s/ Christopher C. Marquardt
Christopher C. Marquardt

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RILEY GAINES, *et al.*,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, *et al.*,

Defendants.

)
)
)
) Case No. 1:24-cv-01109-MHC
)
)
)
)
)
)

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO EXTEND
TIME TO RESPOND TO PLAINTIFFS' CLASS ACTION COMPLAINT**

For good cause shown, the Court hereby **GRANTS** Defendant National Collegiate Athletic Association's ("NCAA") Unopposed Motion to Extend Time to Respond to Plaintiffs' Class Action Complaint. Accordingly, it is ordered that the deadline for the NCAA to answer or otherwise respond to the Complaint (Dkt. 1) is hereby **EXTENDED** to and including **May 6, 2024**.

SO ORDERED, this ____ day of April, 2024.

Hon. Mark H. Cohen
Judge, United States District Court